

FILED

FEB 19 2008

CLERK, U.S. DISTRICT COURT

By

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISIONJOSE MERCED, PRESIDENT,
TEMPLO YORUBA OMO
ORISHA TEXAS INC.
Plaintiff

Civil Action No. 4-06CV-891-A

V.

THE CITY OF EULESS
Defendants§
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§AMENDED JOINTLY PROPOSED TRIAL EXHIBITS

TO THE HONORABLE JUDGE OF THE COURT:

Plaintiff and Defendant file their *Amended Jointly Proposed Trial Exhibits*, and, as amended, the list meets the following specifications:

1. It is signed by lead counsel for each party;
2. Each proposed exhibit is listed by trial exhibit number and description of the exhibit;
3. Each proposed exhibit is clearly marked by the exhibit number assigned to it;
4. Each proposed exhibit is attached to this list;
5. The pages of the exhibits attached to this list are consecutively numbered;
6. The exhibits attached to this list are tabbed;
7. A table of contents describes each item and indicates its tab number and page number;
8. Counsel have highlighted those portions of the items that are of particular pertinence;
9. All objections plaintiff has to any proposed exhibit are stated;
10. All objections defendant has to any proposed exhibit are stated;

Plaintiff and Defendant met at the office of Plaintiff's counsel at 10:00 a.m. on 8 February 2008 to discuss the exhibits they would offer at the trial of this cause, pursuant to the 4 February 2008 Order of this Court

I. Plaintiff and Defendant agree that the following Exhibits shall be offered without objection into the evidence in this cause, and hereby move their admission into evidence.

1. Eules City Code, Article I, §§10-61 through 10.9, and Article III, §§10-61-10.73 (Exhibit "B" to Defendant's Answers to Plaintiff's Interrogatories, No. 10)

2. Articles of Incorporation of Templo Yoruba Omo Orisha-Texas
3. Resume of Dr. Michael Mason
4. City of Euless, Complaint Report, 4 September 2004; City of Euless, Complaint Report, 4 May 2006, and Euless Police Department Call for Service Report, 4 September 2004, and Euless Police Department Call for Service Report, 4 May 2006, Euless Police Department Offense Report, (Incident 060029188), Euless Police Department Involved Persons Report (Incident 060029188)
5. *Defendant's Responses to Plaintiff's First Request for Admissions*, No. 3, 23, 24, 25, 26, 27, 28, 29, and *Defendant's Objections and Answers to Plaintiff's First Set of Interrogatories*, No. 5
6. City of Euless official responses to animal-related complaints

II. Plaintiff and Defendant do not agree that the following Exhibits are admissible in the evidence in this cause.

A. Proposed by Plaintiff, with objection by Defendant.

7. Expert Report of Dr. Michael Mason. Plaintiff intends to offer into evidence the Expert Report of Dr. Michael Mason. The Defendant objects to its admission because it is hearsay.

B. Proposed by Defendant, with objection by Plaintiff.

8. Euless City Code, Article 10, §14-204. Defendant intends to offer into evidence Euless City Code, Article 10, §14-204. The Plaintiff objects to its admission, because it was not provided in response to discovery that requested identification of all pertinent sections of the Euless City Code, and in the alternative because it is irrelevant.

9. Euless City Health and Sanitation Code, Chapter 42. Defendant intends to offer into evidence Euless City Health and Sanitation Code, Chapter 42. The Plaintiff objects to its admission, because it was not provided in response to discovery that requested identification of all pertinent sections of the Euless City Code, and in the alternative because it is not relevant.


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Respectfully submitted,

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